

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI**

TEDDY NICHOLS,)	Case No. C-1-02-0045
)	
Plaintiff,)	Judge Beckwith
)	
v.)	
)	
INDIANA MICHIGAN POWER CO.)	
RIVER TRANSPORTATION DIVISION)	
and/or AMERICAN ELECTRIC FUEL)	
SUPPLY, RIVER TRANSPORTATION)	
DIVISION,)	
)	
Defendant.)	

STIPULATION OF FACTS

The parties hereby stipulate to the truth and accuracy of the following facts without the necessity of proof or evidence with respect thereto:

1. The two pages of diagrams (attached as Exhibit A) are accurate fleeting diagrams/blueprints for the Philip Sporn Plant unloading facility including cells, distances between cells, and location of equipment.
2. The upstream haul wire utilized to maneuver barges underneath the loading crane at the Philip Sporn Plant is 600 feet of 3/4" steel 6 X 25 IWRC (braided wire rope).
3. The winch operating the upriver haul cable at the Philip Sporn Plant unloading crane is located on Number 8N cell.
4. The distance between the location of the haul winch at Cell 8N and the next upriver cell, 7N, is approximately 85 feet.
5. The length of the upriver haul cable between the winch at Cell 8N and Cell 7N is approximately 85 feet or greater considering change of elevation.

6. The length of the upriver haul cable from the shieve at 7N to the fitting of a loaded barge being prepared for unloading is approximately 85 feet plus the width of an average barge.
7. The width of a standard barge is 26 feet. The width of a jumbo barge is 35 feet.
8. The distance between cells is approximately 175 feet.
9. The distance between Cell 7N and Cell 9N is approximately 170 feet.
10. One foot of 3/4" steel 6 X 25 IWRC wire rope is approximately 1.0 to 1.04 pounds.

Dated: February 3, 2004

O'BRYAN BAUN COHEN KUEBLER

SCHROEDER, MAUNDRELL, BARBIERE & POWERS

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